

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>KEVIN WILLIAMS,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>THOMAS (SUPERINTENDENT),</b>	:	<b>NO. 12-01323</b>
<b>ET AL.,</b>	:	

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of April, 2012, upon consideration of the Defendant's Motion to Dismiss (Doc. No. 13) it is hereby **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part as follows:

1. The Motion to Dismiss is **GRANTED** with respect to the claims against Defendants in their official capacities. All claims against Defendants in their official capacities are **DISMISSED** with prejudice;
2. The Motion to Dismiss is **GRANTED** with respect to the claims against Defendants Terra and Thomas in their individual capacities. Claims against Defendants Terra and Thomas in their individual capacities are **DISMISSED** without prejudice; and
3. The Motion to Dismiss is **DENIED** with respect to the claim against Defendant Colon for violation of Plaintiff's Eighth Amendment rights.

**BY THE COURT:**

/s/LAWRENCE F. STENGEL  
LAWRENCE F. STENGEL, J.